

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

LEWIS BRISBOIS . 4:22-CV-03279  
BISGAARD AND SMITH, LLP, . HOUSTON, TEXAS  
PLAINTIFF, . NOVEMBER 17, 2022  
VS. . 11:30 A.M.

MICHAEL J. BITGOOD,  
RICHARD P. JONES,  
SUSAN C. NORMAN, AND  
BRADLEY B. BEERS,  
DEFENDANTS.

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TRANSCRIPT OF MOTION HEARING HELD REMOTELY  
BEFORE THE HONORABLE KEITH P. ELLISON  
UNITED STATES DISTRICT JUDGE

**APPEARANCES**

**ALL PARTICIPANTS APPEARED BY TELEPHONE**

FOR THE PLAINTIFF:

William S. Helfand  
Shane L. Kotlarsky  
Bennett Fisher  
Sean B. Braun  
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***APPEARANCES - CONTINUED***

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PRO SE

FOR THE DEFENDANT RICHARD P. JONES:

No appearance

FOR THE DEFENDANT SUSAN C. NORMAN:

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Proceedings recorded by mechanical stenography. Transcript  
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**PROCEEDINGS**

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THE COURT: Good morning and welcome. This is Keith Ellison. We're on the record in Lewis Brisbois versus Bitgood. We will take appearances of counsel, or parties, beginning with the plaintiff.

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MR. HELFAND: Good morning, Your Honor. Bill Helfand, Bennett Fisher, Shane Kotlarsky and Sean Braun for the plaintiff.

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THE COURT: Thank you. For defendant?

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MR. BITGOOD: Michael Joseph Bitgood. Good morning, Your Honor.

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MS. NORMAN: Good morning, Your Honor. Susan Norman for herself.

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THE COURT: Hello, Ms. Norman.

MR. DUNWOODY: This is Wallace Dunwoody for Brad Beers.

THE COURT: Thank you.

Welcome to all of you.

I'm really disappointed this case hasn't been wrapped up by now. It doesn't seem to be disagreement between the parties. It seems like a fairly straightforward solution.

Explain to me what is going on. We will start with the plaintiff.

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MR. HELFAND: Judge, as we promised we would at the

12:00 1 So, again, Mr. Bitgood is good with the  
2 ad hominem but not so much with the law. We will get that  
3 issue resolved. It is pending in state court. And if this  
4 lawsuit continues, we will get it resolved without Mr. Bitgood  
12:00 5 and Ms. Norman's participation, and then I don't think the law  
6 firm will agree to settle on nonmonetary terms.

7 So, again, it is laid out before them. He still  
8 hasn't told you why Ms. Norman and Mr. Bitgood can't agree to  
9 simply let the district judge set aside those orders now that  
12:00 10 he has settled his lawsuit. But that's where we are, Judge.  
11 And, again, I'm happy to submit it to the Court. And if the  
12 Court thinks there is something unreasonable in it, we will  
13 take the Court's guidance on that. But Your Honor just said it  
14 best: It is either full and final resolution of every disputed  
12:00 15 issue between these parties without further expenditure of  
16 lawyer time by Lewis Brisbois, the real Lewis Brisbois, or it's  
17 not a settlement. It's that simple.

18 THE COURT: Well, all I can do for now is set a  
19 hearing on the preliminary injunction motion and other pending  
12:01 20 motions.

21 George, can we find a date for that next week?

22 *(No response)*

23 THE COURT: Next week is not good?

24 MR. HELFAND: Next week is getting very crowded for  
12:01 25 me, Judge.

12:01 1 Could we do it on the 22nd, Judge? That's the  
2 one day I have open next week.

3 THE COURT: George, how does the 22nd look?

4 THE CASE MANAGER: The 22nd is pretty packed.

12:01 5 MR. BITGOOD: How about the first week after  
6 Thanksgiving, Your Honor? Thanksgiving is next week, by the  
7 way.

8 THE CASE MANAGER: Judge, Monday, November 28, is open  
9 all day.

12:02 10 *(Simultaneous crosstalk)*

11 MS. NORMAN: Your Honor, this is Susan Norman. What's  
12 being set?

13 THE COURT: A hearing on all pending motions,  
14 including the motion for preliminary injunction.

12:02 15 *(Simultaneous crosstalk)*

16 THE COURT: Sorry?

17 MR. HELFAND: This is Bill Helfand. Can we do it on  
18 the 22nd, Your Honor? I can't do it on the 28th because I'm  
19 taking a deposition in the Heckford case, which Your Honor may  
12:02 20 know is going to trial before you in early December.

21 MR. BITGOOD: Mr. Helfand, there are five lawyers on  
22 these pleadings. Lead counsel is Bennett Fisher. Is he  
23 unavailable too?

24 MR. HELFAND: I'm not going to respond to anything  
12:02 25 that Mr. Bitgood says to me directly, Your Honor, or any other

1 person. Everyone can speak to the Court. I am lead counsel in  
2 this case.

3 Can we do it on the 22nd, please?

4 MS. NORMAN: Your Honor, this is Susan Norman. If I  
5 may be heard, please?

6 THE COURT: Yes, you may.

7 MS. NORMAN: I respectfully request the Court have the  
8 hearing first on the pending motions, because those will be  
9 dispositive of whether or not there even can be a preliminary  
10 injunction.

11 THE COURT: Which motion are you speaking of?

12 MS. NORMAN: The motions -- my 12(b)(1) motion. I  
13 have got eight separate issues in 12(b)(1). I have got 19  
14 separate issues under 12(b)(6). And then plaintiff still has  
15 not -- the first thing that has to be dealt with, Your Honor,  
16 is complete immunity from suit, and I have briefed very  
17 thoroughly, contrary to other assertions to the Court -- under  
18 the judicial proceedings privilege, there is complete immunity  
19 from suit, and I respectfully request the Court deal with that  
20 first before having a hearing on preliminary injunctions.

21 THE COURT: Well, I will set those motions for the  
22 same day. If one of your motions is successful, then we can  
23 adjourn the hearing. But I will deal with those motions first,  
24 and then we can turn to the issue of preliminary injunction.

25 MS. NORMAN: I appreciate my client to be out of town

1 on a matter first and to get back to this hearing -- to have a  
2 hearing on the 22nd will be very difficult. I would appreciate  
3 not doing it next week and doing it the week after, on the  
4 28th, as Mr. Kelner advised the Court was available.

5 THE COURT: That's not good for Mr. Helfand.

6 MR. HELFAND: The 28th is not workable, Judge,  
7 because, as I said, I have got to take a deposition in the  
8 Heckford case, which is about to go to trial.

9 MR. BITGOOD: May I suggest something, Your Honor?  
10 I'm addressing you and not Mr. Helfand.

11 THE COURT: Okay.

12 MR. BITGOOD: We extend the TRO to the first week in  
13 December where everybody is available and then we have our  
14 hearing. We agree to extend the TRO so that he feels confident  
15 that nothing is going to happen from here until the day of that  
16 hearing.

17 THE COURT: I think we need to extend the TRO, but I'm  
18 trying to find a date where we can hear this. It doesn't sound  
19 to me like the parties are going to agree, so we need to move  
20 toward a preliminary injunction hearing. If we surmount the  
21 objections Ms. Norman has raised, if she prevails, then we  
22 don't have a preliminary injunction.

23 THE CASE MANAGER: Judge, this is George.  
24 December 1st, the morning is free.

25 THE COURT: How about that then?

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I, Mayra Malone, CSR, CRR, RMR, certify that as a Federal Official Reporter for the Southern District of Texas, I have transcribed the Zoom/telephone conference of the foregoing entitled case to the best of my ability; that any inaudible designations are because of audio interference that precluded me from understanding the words spoken; and that the foregoing typewritten matter contains a full, true and correct transcript of my understanding of the aforesaid proceedings as recorded, to the best of my skill and ability.

DATE: November 22, 2022

*/s/ Mayra Malone*

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Mayra Malone, CSR, RMR, CRR  
Official Court Reporter